

SENATE BILL 619

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SB 21/97 - JPR

2000 Regular Session  
0lr2601

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By: **Senator Sfikas**

Introduced and read first time: February 4, 2000

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Handguns - Use in the Commission of a Felony or Crime of Violence -**  
3 **Mandatory Sentence**

4 FOR the purpose of making a person ineligible for parole for a certain number of  
5 years if the person is convicted for a second time of using a handgun in the  
6 commission of a felony or crime of violence; and generally relating to penalties  
7 for crimes involving the use of a handgun.

8 BY repealing and reenacting, with amendments,  
9 Article 27 - Crimes and Punishments  
10 Section 36B(d)  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 1999 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 27 - Crimes and Punishments**

16 36B.

17 (d) Any person who shall use a handgun or an antique firearm capable of  
18 being concealed on the person in the commission of any felony or any crime of violence  
19 as defined in § 441 of this article, whether operable or inoperable at the time of the  
20 offense, shall be guilty of a separate misdemeanor and on conviction thereof shall, in  
21 addition to any other sentence imposed by virtue of commission of said felony or  
22 misdemeanor:

23 (1) For a first offense, be sentenced to the Maryland Division of  
24 Correction for a term of not less than 5 nor more than 20 years, and:

25 (i) It is mandatory upon the court to impose no less than the  
26 minimum sentence of 5 years; and

27 (ii) Except as otherwise provided in § 4-305 of the Correctional  
28 Services Article, the person is not eligible for parole in less than 5 years; and

1                   (2)       For a second or subsequent offense, be sentenced to the Maryland  
2 Division of Correction for a term of not less than 5 nor more than 20 years, and:

3                   (I)       [it] IT is mandatory upon the court to impose no less than a  
4 minimum consecutive sentence of 5 years which shall be served consecutively and not  
5 concurrently to any other sentence imposed by virtue of the commission of said felony  
6 or misdemeanor; AND

7                   (II)       EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE  
8 CORRECTIONAL SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE IN  
9 LESS THAN 5 YEARS.

10       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2000.